



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

OCT 22 2015

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

The Honorable Jeff Williams
Mayor of Payette
700 Center Avenue
Payette, Idaho 83661

Re: City of Payette Wastewater Treatment Facility
NPDES Permit Number ID-002067-2

Dear Mayor Williams:

On November 01, 2014, the U.S. Environmental Protection Agency (EPA) re-issued the National Pollutant Discharge Elimination System (NPDES) Permit to the City of Payette, Idaho (City) wastewater treatment facility (Facility), NPDES Permit Number ID-002067-2 (Permit). On March 04, 2015, EPA inspected the Facility to evaluate its compliance with the Clean Water Act and the Permit. The purpose of this letter is to notify you of following violations that EPA noted during the inspection.

- 1) Part I.D of the Permit states, "Surface water monitoring must start immediately after the effective date of the permit..." and "The permittee must seek approval of the surface water monitoring stations from IDEQ," However, a failure to obtain IDEQ approval for surface water monitoring stations does not relieve the permittee of the surface water monitoring requirements of the permit. At the time of the inspection, no surface water monitoring had been conducted. This is a violation of Part I.D of the Permit.
- 2) Part III.C.6 of the Permit states, "Monitoring must be conducted according to test procedures under 40 CFR Part 136..." which identifies a preservation temperature of $\leq 6^{\circ}\text{C}$ for total phosphorus. At the time of the inspection it was observed that the Chain-of-Custodies (COCs) showed numerous instances where the temperature recorded for total phosphorus samples upon receipt by the contract laboratory, Analytical Laboratories, Inc. (ALI), was above 6°C . This is a violation of Part III.C.6 of the Permit.
- 3) Part I.C.6 of the Permit states that "Within 90 days of the permit effective date, the permittee must prepare and submit a copy of the Initial Investigation Toxicity Reduction Evaluation (TRE) Workplan (1-2 pages) to the permitting authority for review." At the time of the inspection, the City did not have a TRE Workplan. This is a violation of Part I.C. 6 of the Permit.

Although EPA's goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the Facility. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions which may include monetary penalties to address these and any other violations.

Should you have questions or comments regarding this letter, please feel free to contact Maria Lopez, Compliance Officer, at (208) 378-5616.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Edward J. Kowalski', written over the word 'Sincerely,'.

Edward J. Kowalski
Director

cc: Randy Schwartz
Wastewater Superintendent
City of Payette

Darwin Decroo
Chief Operator
City of Payette

Mary Anne Nelson
State Office
Idaho Department of Environmental Quality

Stephen Berry
State Office
Idaho Department of Environmental Quality

Todd Crutcher
Boise Regional Office
Idaho Department of Environmental Quality